

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

DERRICK EVANS,

Plaintiff,

v.

THE HUFFINGTON POST.COM, INC.

and ASHLEY FEINBERG,

Defendants.

Case No. 1:19-cv-536-HSO-JCG

COMPLAINT
JURY TRIAL DEMANDED

NATURE OF THE CASE

This defamation action is brought by Derrick Evans, a teacher and civil rights and environmental justice advocate from Mississippi, against Defendants The Huffington Post.com, Inc. (“HuffPost”) and its former journalist, Ashley Feinberg. HuffPost and Feinberg repeatedly defamed Mr. Evans and his friend Douglas Kennedy to a nationwide audience on multiple occasions in September 2018 by falsely asserting that they helped arrange the purchase and delivery of cocaine that resulted in the April 1984 death of David Kennedy, Douglas’s brother and the son of the late U.S. Attorney General and Senator Robert F. Kennedy. These statements were not only false and defamatory, but outrageously so, and were published by Defendants with knowledge of their actual falsity or in reckless disregard of the truth for the apparent purpose of creating a salacious story designed to drive internet traffic to HuffPost’s website.

More specifically, and as set forth in greater detail below, on September 20, 2018, HuffPost published online Ms. Feinberg’s article, which was titled: “Former Student: Brett

Kavanaugh's Prep School Party Scene Was a 'Free-For-All'." In HuffPost's zeal to create a sensational article about Judge Brett Kavanaugh's years at Georgetown Preparatory School ("Georgetown Prep") and thereby drive traffic to its website, it fabricated the false claim that Mr. Kennedy and Mr. Evans, who, like Kavanaugh, are also alumni of Georgetown Prep, "helped score" the illegal narcotics that killed Douglas Kennedy's older brother David in April 1984.

While purporting to quote at length an anonymous former student about the culture of Georgetown Prep during the 1980s, Defendants had no sources to support their outrageously false and defamatory statements about Derrick Evans and Douglas Kennedy. Nor did Defendants make any effort whatsoever to contact Mr. Evans for comment before accusing him of not only of committing a crime, but of being responsible for the death of David Kennedy. Indeed, if Ms. Feinberg or her HuffPost editors had done even the most basic research of publicly available sources, she and they would have known, if they did not already know, that Mr. Evans actively assisted law enforcement in identifying and prosecuting the individuals who actually sold the illegal narcotics.

After Defendants were contacted by representatives of Douglas Kennedy, who informed HuffPost in no uncertain terms that its article was false and defamatory as it related to Mr. Kennedy and Mr. Evans, HuffPost doubled down on its defamatory attack on Mr. Evans' reputation by posting a purported "correction" on September 21, 2018, which read:

This article previously stated incorrectly that Doug Kennedy was involved in helping his brother to purchase drugs in 1984. Kennedy was only sharing a room with Derrick Evans, who helped David purchase the drugs, according to an affidavit obtained by the New York Times. We regret the error.

(emphasis added).

The September 21 correction was another complete fabrication published by HuffPost with actual knowledge that both it and the original publication were false or in reckless disregard

of the truth, again without ever attempting to contact Mr. Evans for comment. As HuffPost knew, there was NO affidavit reflecting that Mr. Evans ever helped anyone purchase illegal drugs. Defendants had no such affidavit in their possession, and they could not have had such an affidavit in their possession.

Moreover, *The New York Times*, which had extensively reported on David Kennedy's death in 1984, had made it clear in its reporting that far from "helping" David purchase the drugs, Mr. Evans had assisted law enforcement and prosecutors in identifying the individuals who had actually sold the illegal drugs to David Kennedy. See Stuart, Reginald, "3 Drugs are Blamed in David Kennedy Case," N.Y. Times (May 17, 1984) (available at <https://www.nytimes.com/1984/05/17/us/3-drugs-are-blamed-in-david-kennedy-case.html>).

As a result of Defendants' knowing and reckless publications of outrageously false and defamatory statements, Mr. Evans has suffered significant injury to his reputation and emotional distress, for which he seeks compensatory damages, as well as punitive damages in an amount sufficient to deter such egregious conduct in the future. In support of this Complaint, Derrick Evans alleges the following:

PARTIES

1. Plaintiff Derrick Evans is a resident of Gulfport, Harrison County, Mississippi.
2. Defendant TheHuffingtonPost.com, Inc. ("HuffPost") is a Delaware corporation with its headquarters and principal place of business located at 770 Broadway, New York, New York.
3. HuffPost is owned by Verizon Media, LLC, a foreign (Delaware) subsidiary of Verizon Communications, Inc. HuffPost may be served with process through its registered agent

for service of process, CT Corporation System, at 28 Liberty Street, New York, New York 10005.

4. HuffPost operates a global online news and media platform at www.huffpost.com. HuffPost publicly proclaims that its site has over one million users active on it every month.

5. HuffPost declares on its website that it “endeavors to be accurate in its reporting, transparent and thorough in its sourcing, and fair and independent in its analysis. HuffPost strives to verify and corroborate information via multiple sources whenever possible.”

6. HuffPost’s website also proclaims that it:

works to correct any misstatements in a timely manner, with a correction note appended to the bottom of an article to indicate what has been fixed and how. More prominent notices may be included for more egregious errors. HuffPost will only retract an article after extensive review by a senior editor has found fundamental flaws in the reporting, and always with an editor's note.

7. Defendant Ashley Feinberg was a senior reporter employed by HuffPost prior to May 2019, and at all times relevant to this action. She is a resident of the State of New York and is currently employed as a senior writer by Slate Magazine, where she may be served with process at 15 MetroTech Center, New York, New York 10003.

8. In a *Columbia Journalism Review* interview, Ms. Feinberg is described as a reporter who “trolls for all the right reasons,” and she herself proclaims that “making people mad or uncomfortable is always a best case scenario.”

JURISDICTION & VENUE

9. Jurisdiction is based upon the complete diversity of citizenship between Plaintiff and Defendants. The amount in controversy exceeds \$75,000, exclusive of costs. This Court therefore has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1).

10. HuffPost has subscribers domiciled in Mississippi and derives revenue from Mississippi based on its operations.

11. HuffPost, for a fee, sells premium subscriptions for its website content to Mississippi residents on either a monthly or annual basis. The sale of these premium subscriptions generates revenue and is a vital part of HuffPost's business model.

12. HuffPost also derives revenue from the sale of advertisements on its website, including revenue from Mississippi advertisers. Mississippi visitors to its website thereby cause an increase in advertisement revenue for HuffPost. The development and publication of its news articles, such as the article made the subject of this lawsuit, is an inherent part of HuffPost's business model of selling premium subscriptions to its website to Mississippi residents and further generating visitor traffic from Mississippi residents to its website, thereby increasing HuffPost's advertising revenue.

13. HuffPost is doing business in Mississippi and has entered into contracts with Mississippi residents to be performed in whole or in part in Mississippi, and Defendants committed a tort in whole or in part in this state.

14. Defendants' contacts with the forum state are sufficient to subject them to personal jurisdiction in Mississippi.

15. Venue in this district is proper pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claims asserted herein occurred in this district, and Defendants' actions caused injury to Plaintiff in this district.

FACTS

Background of Mr. Evans

16. Mr. Evans is a sixth-generation native of Turkey Creek, coastal Mississippi's historic African-American settlement founded by his ex-slave ancestors in 1866 on the Gulf of Mexico during Reconstruction.

17. Growing up neither wealthy, nor entitled, Mr. Evans was able to obtain a full academic scholarship to Georgetown Preparatory School (“Georgetown Prep”) in North Bethesda, Maryland, in 1982. As one of the only black students at Georgetown Prep, Mr. Evans vowed to excel and make positive changes in the world, and he has spent his adult life focusing on disaster relief, environmental causes, cultural issues and preservation, and matters of justice.

18. Mr. Evans was honored by being asked to return to Georgetown Prep in 2017 to speak to students about what “service” means and should mean to them.

19. After earning bachelors and masters degrees in History, Education, and African-America Studies from Boston College, Mr. Evans became a history professor and lecturer on American social history and the Civil Rights Movement. In 1992, he was awarded Harvard and Radcliffe Colleges’ “Certificate of Distinction in Teaching.”

20. In 1997, Mr. Evans co-founded the acclaimed and nationally emulated Epiphany School, a full-service and tuition-free independent middle school for low-income children and families in Boston.

21. In 2003, Mr. Evans founded Turkey Creek Community Initiatives, a Mississippi nonprofit for resisting and creatively reversing cultural erosion, wetlands destruction, and government neglect in his community.

22. In 2005, in the direct wake of Hurricane Katrina, Mr. Evans co-founded the Gulf Coast Fund for Community Renewal and Ecological Health, which has directed over \$5 million in critical funding to groups in coastal Louisiana, Mississippi, Alabama, Texas and Florida. He was asked to co-develop and lead this initial special project of Rockefeller Philanthropy Advisors due to his grasp of the financial and technical needs of groups pursuing recovery and social justice in the wake of natural disasters.

23. Mr. Evans has been honored as a “Preservation Hero” by the Mississippi Heritage Trust. He was awarded the 2006 Frank L. Parker “Client of the Year” Award by the Lawyers Committee for Civil Rights. He also received the Jane Bagley Lehman Prize for Excellence in Public Advocacy from the Tides Foundation.

The Initial Defamation: The September 20, 2018 Article

24. HuffPost hired Ms. Feinberg in approximately October 2017 as a senior reporter.

25. Ms. Feinberg left HuffPost’s employment in approximately May 2019.

26. While employed by HuffPost, Ms. Feinberg’s duties and responsibilities focused on writing new stories and other online content.

27. Ms. Feinberg has a well-earned reputation for publishing stories designed to “light up the internet.”

28. In the fall of 2018, the United States Senate was holding confirmation hearings on the Supreme Court nomination of Justice (then Judge) Brett Kavanaugh, who like Mr. Evans and his friend Douglas Kennedy, is an alumnus of Georgetown Prep.

29. During the controversy surrounding Justice Kavanaugh’s nomination, Ms. Feinberg reported and wrote, and HuffPost published, a sensational article depicting a wild “alcohol-and-drug-fueled” culture at Georgetown Prep in the early 1980s.

30. More specifically, on September 20, 2018, HuffPost published on its website Ms. Feinberg’s article entitled: “Former Student: Brett Kavanaugh’s Prep School Party Scene Was a ‘Free-For-All’” (“the Original Defamatory Article”).

31. A true and correct copy of the Original Defamatory Article is attached hereto and incorporated herein as Exhibit 1.

32. In HuffPost and Feinberg's zeal to embellish a salacious article about Justice Kavanaugh's years at Georgetown Prep and to capitalize upon the controversy surrounding his confirmation hearing and thereby drive traffic to its website, they fabricated the false claim that Douglas Kennedy and Derrick Evans "helped score" the illegal narcotics that killed Douglas's older brother David in April 1984.

33. More specifically, Ms. Feinberg wrote and HuffPost published:

The [anonymous] former student spoke of Kennedy's death as the end of the school's free-for-all party scene and the catalyst for changes in Georgetown Prep culture. Two students – David's brother Doug, and his friend Derrick Evans – had helped score the coke.

See Exhibit 1.

34. The statement that "Two students - David's brother Doug and his friend Derrick Evans - had helped score the coke," is false.

35. Defendants' quoted statements about Mr. Evans and Mr. Kennedy constituted libel *per se* as they not only accused Mr. Evans and Mr. Kennedy of committing a crime, namely the purchase and distribution of illegal narcotics, they also asserted that they were thereby responsible for the death of David Kennedy.

36. In addition to being defamatory *per se*, Defendants' statements were knowingly, recklessly and outrageously false. They also were published maliciously and in bad faith.

37. Neither Mr. Evans nor Mr. Kennedy had helped purchase, or to use Ms. Feinberg's word, "score," any cocaine for David Kennedy.

38. In addition, despite purporting to quote an anonymous former student about David Kennedy's death, Feinberg in fact had no source informing her that Mr. Evans purchased drugs for Mr. Kennedy or anyone else.

39. Ms. Feinberg fabricated the false story that Mr. Evans helped “score” the cocaine for David Kennedy that resulted in his death.

40. The fabricated statement that two Georgetown Prep students “helped score the coke” that resulted in the death of David Kennedy, who had not attended Georgetown Prep, lent the “Kennedy” name to the article and supported Defendants’ narrative that during the time Brett Kavanaugh was a student at Georgetown Prep the school had a drug-and-alcohol-fueled culture.

41. The Original Defamatory Article included the search tags “Robert F. Kennedy” and “Ethel Kennedy” in order to increase dissemination of the article.

42. Many of the other statements in the article concerning the culture of Georgetown Prep in the 1980s, and particularly those concerning parties hosted by Douglas Kennedy, were demonstrably false.

43. Had Ms. Feinberg or her editors at HuffPost undertaken even the most basic internet search of publicly available articles concerning the investigation into David Kennedy’s death, they would have learned, if they did not already know, that Mr. Evans actively assisted law enforcement in identifying and prosecuting the individuals who actually sold the illegal narcotics to David Kennedy.

44. Neither Ms. Feinberg nor her editors at HuffPost made any attempt to contact Douglas Kennedy for comment before the Original Defamatory Article was published.

45. Neither Ms. Feinberg nor her editors at HuffPost made any attempt to contact Derrick Evans for comment before the Original Defamatory Article was published.

46. Upon information and belief, Ms. Feinberg and HuffPost chose not to speak with Derrick Evans, Douglas Kennedy or informed members of law enforcement about the circumstances surrounding David Kennedy’s death before publication of the Original

Defamatory Article because they knew that such individuals with knowledge of the actual facts would expose the falsity of their narrative.

47. As part of the defendants' efforts to disseminate the article to the broadest possible audience, HuffPost aggressively published its false and defamatory statements on the internet and further promoted the story on social media.

48. As part of this effort, Ms. Feinberg tweeted a link to the Original Defamatory Article from her personal Twitter account, which resulted in hundreds of re-tweets.

HuffPost's Defamatory "Correction" Further Defamed Mr. Evans After Being Informed That Its Article Was False

49. On Friday, September 21, 2018, an officer of Fox News, where Douglas Kennedy works as a reporter, contacted HuffPost on Mr. Kennedy's behalf, informed it in no uncertain terms that its article was false and defamatory, and had obviously been published without any fact-checking whatsoever.

50. The Fox News officer told HuffPost that the Original Defamatory Article was so deficient it should be removed in its entirety from HuffPost's website.

51. Instead of pulling down the offending article, HuffPost doubled down on its defamatory campaign against Mr. Evans by posting a purported "correction" at 6:19 p.m. on September 21, 2018, which declared:

This article previously stated incorrectly that Doug Kennedy was involved in helping his brother to purchase drugs in 1984. Kennedy was only sharing a room with Derrick Evans, who helped David purchase the drugs, according to an affidavit obtained by the New York Times. We regret the error.

("the Defamatory Correction") (emphasis added).

52. A true and correct copy of the Defamatory Correction published by Defendants on September 21, 2018, is attached hereto and incorporated herein as Exhibit 2.

53. Despite having been informed by Mr. Kennedy's representatives that their original statements about how David Kennedy acquired the cocaine were false, Defendants did not contact Mr. Evans for comment before publishing the falsehood that Derrick Evans "helped David purchase the drugs."

54. The quoted statement about Mr. Evans in the Defamatory Correction is false.

55. Defendants knew the quoted statement about Mr. Evans in the Defamatory Correction was false when it was published.

56. HuffPost and Ms. Feinberg knew that there was no affidavit "obtained by the New York Times" reflecting that Mr. Evans helped David Kennedy purchase illegal drugs, and that Defendants had no such affidavit in their possession.

57. Prior to publication of the Defamatory Correction, neither Ms. Feinberg nor her editors at HuffPost ever read or saw the affidavit referenced in the Defamatory Correction.

58. HuffPost does not have in its possession a copy of the affidavit referenced in the Defamatory Correction.

59. Upon information and belief, Defendants never spoke to anyone at *The New York Times*, nor did they actually read any previous reporting by *The New York Times* about the investigation into David Kennedy's death, prior to publishing either the Original Defamatory Article or the Defamatory Correction.

60. Indeed, *The New York Times*, which had previously reported on David Kennedy's death, had made it clear that far from "helping" David purchase the drugs, Mr. Evans had assisted law enforcement and prosecutors in identifying the individuals who had actually sold the illegal drugs. See Stuart, Reginald, "3 Drugs are Blamed in David Kennedy Case," N.Y. Times

(May 17, 1984) (available at <https://www.nytimes.com/1984/05/17/us/3-drugs-are-blamed-in-david-kennedy-case.html>).

61. More specifically, in the referenced article, *The New York Times* made it clear that:

- Peter Andrew Merchant of Warwick, RI and Lindwood Dorr of West Yarmouth, MA were arrested for selling the illegal drugs to David Kennedy;
- “Investigators...determined that David Kennedy probably obtained some or all of the high-grade cocaine he used on his final visit here through the two men arrested.”
- “Much of the information in the state’s affidavit linking Mr. Kennedy to the two men arrested today appeared to rely on statements obtained from Derrick Evans, a prep school classmate of Douglas Kennedy, a younger brother of David....Mr. Evans was staying with Douglas Kennedy at the Brazilian Court in a room separate from David Kennedy.
- “The affidavit said the two men arrested today met David Kennedy at the Brazilian Court on or about April 20 and were asked by him to obtain some cocaine for him. The affidavit said Derrick Evans was present when the purchase of cocaine was discussed.”

62. *The New York Times* has never reported that it had obtained an affidavit stating that Mr. Evans “helped” to procure illegal drugs for David Kennedy.

63. Despite having been informed both by telephone and in writing on September 21, 2018, that the Original Defamatory Article was false, and after being pointedly criticized by Mr. Kennedy’s representatives for having published without first seeking comment from “those named in the piece,” Defendants nevertheless again chose not to contact Mr. Evans before publishing the Defamatory Correction.

64. Defendants chose not to contact Mr. Evans prior to publishing the Defamatory Correction because they knew he would expose their fabrication that an affidavit existed demonstrating that a Georgetown Prep student had “helped purchase the drugs” that resulted in

David Kennedy's death, and thereby destroy any purported nexus between David Kennedy's death and Brett Kavanaugh's Supreme Court nomination.

65. Similarly, Defendants chose not to contact members of the Palm Beach County Sheriff's Department or other law enforcement community to discuss David Kennedy's death and the resulting investigation despite being told that the Original Defamatory Article was false, precisely because they knew that members of law enforcement would expose their fabrications.

66. Like the Original Defamatory Article, the republished story including the Defamatory Correction also contained the search tags "Robert F. Kennedy" and "Ethel Kennedy" in order to increase dissemination of the article.

67. HuffPost and Ms. Feinberg intentionally published a defamatory statement concerning Derrick Evans that they knew to be false or, at a minimum, they willfully and recklessly disregarded known evidence that their purported "correction" was false.

68. Defendants further published the Defamatory Correction maliciously and in bad faith.

HuffPost Continues In Its Refusal To Post An Actual And Unequivocal Retraction

69. Not satisfied by the publication of Defendants' Defamatory Correction, Douglas Kennedy retained legal counsel, who contacted HuffPost and Feinberg by letter dated September 22, 2018, demanding a full retraction and other redress.

70. In the September 22 letter, HuffPost was again informed that its statements about Mr. Evans were false and that its conduct was reprehensible:

You placed into the public sphere an outrageously false claim that Mr. Kennedy supplied the illegal narcotics that killed his older brother David, and then followed your shameful lie with an insincere, incorrect "apology" that placed blame on Mr. Kennedy's friend [Mr. Evans].

71. Rather than issuing a full retraction and actual apology to Mr. Evans, Defendants “updated” the subject article on September 24, 2018, by removing all references in the online article to Messrs. Kennedy and Evans, but only after having promoted the Original Defamatory Article on social media and on the internet.

72. The sanitized version of the subject article omitting any reference to Derrick Evans, Douglas Kennedy, David Kennedy and the Kennedy family included a disingenuous and misleading “correction,” which stated:

This article previously mischaracterized the involvement of individuals in a drug purchase. References to those individuals and the incident have been removed. We regret the error.

73. The sanitized version of the subject article published on September 24, 2018, also deleted the search tags “Robert F. Kennedy” and “Ethel Kennedy.”

74. A true and correct copy of the sanitized version of the subject article published by Defendants on September 24, 2018, is attached hereto and incorporated herein as Exhibit 3.

75. This second attempt at a “correction” by HuffPost continued its pattern of public deception.

76. The Original Defamatory Article and the Defamatory Correction did not “mischaracterize the involvement of individuals in a drug purchase” because neither Douglas Kennedy nor Derrick Evans had been involved in a drug purchase.

77. Defendants’ second purported “correction” was made maliciously and in bad faith.

78. Despite HuffPost’s professed commitment “to be accurate in its reporting, transparent and thorough in its sourcing, and fair and independent in its analysis . . . [and to] strive[] to verify and corroborate information via multiple sources whenever possible,”

Defendants wholly failed to meet every single one of those standards in their treatment of Derrick Evans.

Mr. Evans Demands A Proper Retraction of The Defendants' False And Defamatory Statements, Including Those Published Through Social Media

79. On May 3, 2019, Mr. Evans, through counsel, wrote HuffPost and Ms. Feinberg demanding a written apology and a public retraction of all of HuffPost's and Ms. Feinberg's prior defamatory statements, including those published through social media given that the defendants had actively disseminated the original online article through social media, including through Twitter.

80. Plaintiff's May 3, 2019 retraction demand complies with the requirements of MISS. CODE ANN. § 95-1-5.

81. Defendants have failed and refused to issue Mr. Evans either an apology or a proper retraction of their prior false and defamatory statements about him, including those disseminated through social media.

COUNT I – DEFAMATION (LIBEL)

82. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 82 and further alleges as follows.

83. Defendants published to third parties statements of purported fact of and concerning Plaintiff that asserted directly that he “helped score” illegal narcotics that resulted in the death of David Kennedy.

84. Defendants' statements regarding Plaintiff are false.

85. Defendants' statements have a defamatory effect and constitute libel *per se* as they accuse Plaintiff of engaging in criminal activity.

86. Defendants' statements were false, malicious and fabricated, and were published with a knowing, intentional, subjective awareness of, and/or reckless disregard of, their falsity.

87. Plaintiff has suffered damages as a result of Defendants' statements, including emotional distress and harm to his reputation.

COUNT II – PUNITIVE DAMAGES

88. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 88 and further alleges as follows.

89. Defendants' actions and omissions described above were intentional, willful, reckless, malicious and/or grossly negligent, demonstrating a conscious disregard for the rights and reputation of Plaintiff, and entitling him to an award of punitive damages in an amount sufficient to deter Defendants and others from such conduct in the future.

90. An award of punitive damages against Defendants or either of them will entitle Plaintiff to recover the attorney fees he has incurred and is continuing to incur in the prosecution of this action.

WHEREFORE, Plaintiff requests that after due proceedings are had, this Honorable Court enter a judgment in favor of Plaintiff and against Defendants for damages, pre-judgment and post-judgment interest, costs, punitive damages and attorney fees, and granting such other further relief that this Court deems just and proper.

THIS 21st day of August, 2019.

DERRICK EVANS

By his attorneys,

s/John P. Sneed

John P. Sneed, Bar No. 7652

Charles E. Cowan, Bar No. 104478

WISE CARTER CHILD & CARAWAY, P.A.

600 Heritage Building

401 East Capitol Street

Jackson, Mississippi 32901

Telephone: (601) 968-5500

Email: jps@wisecarter.com

JS 44 (Rev. 11/15)

CIVIL COVER SHEET

1:19-cv-536-HSO-JCG

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
DERRICK EVANS**DEFENDANTS**

THE HUFFINGTON POST.COM, INC. and ASHLEY FEINBERG

(b) County of Residence of First Listed Plaintiff Harrison
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)
John P. Sneed, Wise Carter Child & Caraway, P.A., P.O. Box 651,
Jackson, MS 39205, 601-986-5500, jps@wisecarter.com

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 1332

Brief description of cause:

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE
08/21/2019SIGNATURE OF ATTORNEY OF RECORD
s/John P. Sneed

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

\$400.00

APPLYING IFP

JUDGE

MAG. JUDGE

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Former Student: Brett Kavanaugh's Prep School Party Scene Was A 'Free-For-All'

"It's just a bunch of kids just going off the rails."

By Ashley Feinberg



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"Don't tell, don't tell," said the former student, who overlapped at the school in North Bethesda, Maryland, with current Supreme Court nominee Brett Kavanaugh, class of '83. It was a code of preppy omerta to which Kavanaugh himself has alluded.

"But then," the former student continued, "you're getting all these 14-, 15-, 16-year-olds, 17-year-old kids doing whatever the fuck they wanted to do, with no repercussions. Drugs everywhere. Partying everywhere. Drinking — just whatever we wanted to do. It was unbelievable, off the rails. And that's just how it was."

Sexual misconduct, the former student says, was routine, shrugged off. "My friend, who went to one of the private girls' schools, said she woke up with a guy on top of her," the former student said. "And this was not a situation where people would talk about it. They would just say: 'Oh, well, how'd you do? How was your weekend?' 'Oh, well, I got attacked.' And that was just normal then. It was an attitude where 'No' didn't necessarily mean 'I'm going to stop.' It meant 'I'm going to keep going,' and 'I'm going to keep going because I'm privileged and I'm allowed to and I'm not going to get in trouble for it.'"

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We've been able to look at Judge Bret Kavanaugh high school yearbook from 1983 at Georgetown Prep in Bethesda.

He describes being part of the "Keg City Club." [pic.twitter.com/KYeDeJxxqg](https://twitter.com/KYeDeJxxqg)

— Adam Longo (@adamlongoTV) September 17, 2018

The former student would speak about his time at Georgetown Prep only on the condition of anonymity, fearing attacks from his fellow alumni. Based on the response to Christine Blasey Ford's allegation that Kavanaugh attempted to rape her when they were both in high school, his fears are not unfounded.

In describing the culture of the school in those days, the former student pointed to the April 1984 overdose of 28-year-old David Kennedy, son of Robert F. Kennedy, who'd injected drugs into his groin, apparently to hide the needle marks. (Cocaine, Demerol and Meiliart were found in his system.) The former student spoke of Kennedy's death as the end of the school's free-for-all party scene and the catalyst for changes in Georgetown Prep culture.

Two Prep students — David's brother Doug, and his friend Derrick Evans — had helped David Kennedy score the coke. Doug, class of '86, had been at the center of Georgetown Prep social life, which the former student characterized as "weekly frat-style parties with the neighboring sister schools and other private schools," often hosted by Kennedy at his family's house in McLean, Virginia.

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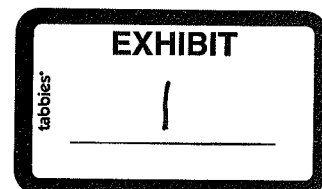
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The former student recently spoke with HuffPost about the party scene in which our current Supreme Court nominee spent his formative years. The conversation, which has been condensed and edited for clarity, is below.

First, just generally, I'd be interested in hearing what you remember about the culture of Georgetown Prep while you were there.

I guess you could call it a fraternity between a bunch of rich kids. All this shit happens, and then nobody really wants to talk about it, because if one person crumbles, the whole system crumbles, and everybody tells on everybody. And that's not the way Georgetown Prep has ever been.

And you and Kavanaugh were there at the same time?

When Kavanaugh and I overlapped, it would have been 1982, and that's when Kavanaugh was a senior. [Current Supreme Court Justice] [Neil Gorsuch](#) [who also attended Prep] would have been a sophomore. Now, as far as Gorsuch goes, he was so straight-up. He was like, "Golly gee," one of those kids. And Prep has always been a very elite school with 400 students. One hundred per class — that's all they would ever let in. Some of it was academic merit, but the rest of it was privilege. I didn't have a lot of interaction with Kavanaugh, but I did know of [Mark Judge](#), the other guy who was named. My first reaction I had was, "Oh, *that* guy."

Yeah, that seems to be the general sentiment around him.

I mean, we were teenagers, but there was sex and drugs and more drugs and more partying and belligerence and disrespect, all going on at all times while I was there. Around 1986 is when Georgetown Prep really changed, and it went back to a more strict, Jesuit-based style.

What prompted the change?

A lot of the stuff that happened in the '70s and the '80s and the time that Kavanaugh was there and [those parties that Judge described](#), it was common. That's what happened all the time. One of the biggest people and one of the most influential people there was Doug Kennedy. He was one of the youngest RFK kids, and Dougie, as we called him, was the one who had all these huge parties. There were other parties, but everybody remembers Kennedy parties because they were in McLean at the house where Ethel Kennedy lived.

The police would be there, but they would say, "Oh, are you going to the party? We'll escort you." That kind of thing. And, you know, they're escorting a load of teenage kids in a car who were all going to underage drink and party. And as I remember, it was hundreds of kids — boys and girls from different schools, all private. No public schools were involved. And what would happen was a lot of drinking. There was one room full of drugs, everybody would be doing coke. And in another room, everybody would be smoking weed. And then in another room, people would be having sex. And there would be all sorts of unwanted stuff going on.



What do you mean when you say "unwanted stuff"?

These were the situations where, I think, you could talk to any prep school girl, and they would say, yeah, I was attacked or I was abused or I was touched or I was done in this improper fashion. And like I said, it was a fraternity, but it was also a situation where the girls wouldn't talk about it later on, either. A lot of these women basically became kept women.

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So the Kennedy parties were the most notorious. But every weekend there was some sort of party base during the school year where there was drugs, alcohol—which was typical, but we're talking about 14-, 15-, 16-, 17-year-old kids.

I remember hearing about [Kennedy's death] after it happened in Florida. It was a small school and everyone was talking about it. It came out in the news, and it was all over The Washington Post. And everybody was like, "Oh shit, what happened? How is this going to affect us? Were we involved? Did this happen with us?" That kind of thing. And it was never a situation where anybody told on anyone. That was the weirdness about all of it.

It was hushed up and cleaned up quickly because of the Kennedy connection. In the weeks after, no one really talked about it.

How would you hear about parties or meet kids from the other private schools?

Most it was based on the football schedule. Like, as a football team, we played all the other prep schools. That's where all the parties started, and that's where all the parties went. I don't think it was something that we invented. I think that it was a culture that had been there for a long time, and then it just progressively got more abusive, and more and more and more and more abusive.

How often did these Beach Week parties happen?

They were considered a rite of passage. An end-of-the-year blowout. Partying at the beach was typically way more crazy than what happened during the school year. Inhibitions were thrown out the window. Fighting was a lot less common, but there was more sex involved and even more liberties taken because the parents were so far away. At least, that's what I concluded from my experiences at Beach Week every year.

It was a game of who could party the most, who could drink the most, who could get the most girls, who could get away with the most crazy shit. A lot of these kids at these prep schools had family homes at the beach. And if not, they rented homes for the week.

Do you think people would have even remembered something like what Blasey described? Like, would it have registered?

Every weekend there was this whole idea of, "Hey, where are you going this weekend?" "Well, so-and-so's having a party or someone's having a party at their house." Usually because their parents were gone — that would happen all the time. Then everybody would go over there, the entire class. Or at least, anybody who was cool or anybody who could party would go. Anybody who could get a ride, or anybody who had a car. And then all the girls' schools in the area. If you talked to any of the girls there, they would all say, "Oh, yeah, of course there was a culture where assaults like that happen."

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Ashley Feinberg
Senior Reporter, HuffPost

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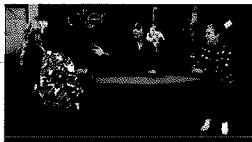
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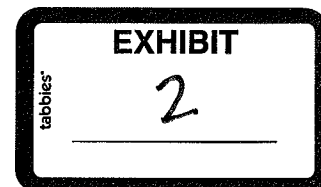
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CORRECTION: This article previously stated incorrectly that Doug Kennedy was involved in helping his brother to purchase drugs in 1984. Kennedy was only sharing a room with Derrick Evans, who helped David to purchase drugs, according to an affidavit obtained by The New York Times. We regret the error.

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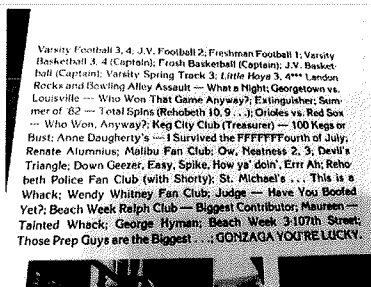
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Sexual misconduct, the former student says, was routine, shrugged off. "My friend, who went to one of the private girls' schools, said she woke up with a guy on top of her," the former student said. "And this was not a situation where people would talk about it. They would just say: 'Oh, well, how'd you do? How was your weekend?' 'Oh, well, I got attacked.' And that was just normal then. It was an attitude where 'No' didn't necessarily mean 'I'm going to stop.' It meant 'I'm going to keep going,' and 'I'm going to keep going because I'm privileged and I'm allowed to and I'm not going to get in trouble for it.'"



Just in to @wusa9

We've been able to look at Judge Bret Kavanaugh high school yearbook from 1983 at Georgetown Prep in Bethesda. He describes being part of the "Keg City Club."



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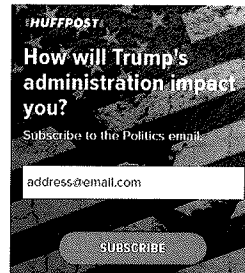
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3

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The former student would speak about his time at Georgetown Prep only on the condition of anonymity, fearing attacks from his fellow alumni. Based on the response to Christine Blasey Ford's allegation that Kavanaugh attempted to rape her when they were both in high school, his fears are not unfounded.

The former student recently spoke with HuffPost about the party scene in which our current Supreme Court nominee spent his formative years. The conversation, which has been condensed and edited for clarity, is below.

First, just generally, I'd be interested in hearing what you remember about the culture of Georgetown Prep while you were there.

I guess you could call it a fraternity between a bunch of rich kids. All this shit happens, and then nobody really wants to talk about it, because if one person crumbles, the whole system crumbles, and everybody tells on everybody. And that's not the way Georgetown Prep has ever been.

And you and Kavanaugh were there at the same time?

When Kavanaugh and I overlapped, it would have been 1982, and that's when Kavanaugh was a senior. [Current Supreme Court Justice] Nell Gorsuch [who also attended Prep] would have been a sophomore. Now, as far as Gorsuch goes, he was so straight-up. He was like, "Golly gee," one of those kids. And Prep has always been a very elite school with 400 students. One hundred per class — that's all they would ever let in. Some of it was academic merit, but the rest of it was privilege. I didn't have a lot of interaction with Kavanaugh, but I did know of Mark Judge, the other guy who was named. My first reaction I had was, "Oh, *that* guy."

Yeah, that seems to be the general sentiment around him.

I mean, we were teenagers, but there was sex and drugs and more drugs and more partying and belligerence and disrespect, all going on at all times while I was there. Around 1986 is when Georgetown Prep really changed, and it went back to a more strict, Jesuit-based style.

What prompted the change?

A lot of the stuff that happened in the '70s and the '80s and the time that Kavanaugh was there and those parties that Judge described, it was common. That's what happened all the time.

The police would be there, but they would say, "Oh, are you going to the party? We'll escort you." That kind of thing. And, you know, they're escorting a load of teenage kids in a car who were all going to underage drink and party. And as I remember, it was hundreds of kids — boys and girls from different schools, all private. No public schools were involved. And what would happen was a lot of drinking. There was one room full of drugs, everybody would be doing coke. And in another room, everybody would be smoking weed. And then in another room, people would be having sex. And there would be all sorts of unwanted stuff going on.

What do you mean when you say "unwanted stuff"?

These were the situations where, I think, you could talk to any prep school girl, and they would say, yeah, I was attacked or I was abused or I was touched or I was done in this improper fashion. And like I said, it was a fraternity, but it was also a situation where the girls wouldn't talk about it later on, either. A lot of these women basically became kept women.

Was the assault that Christine Blasey Ford described typical?

Yeah, and a lot of that happened. And I think she said she was in a bathing suit, so that happened at Beach Week, I would guess. [Editor's note: Blasey told the Washington Post that the alleged incident occurred in the summer at a house in Montgomery County.]

That's where everybody would go down to the coast, over to Ocean City [Maryland], or Rehoboth [Beach, Delaware], one of the local beaches. And somebody would have a house, or somebody would rent a house, and then it would just turn into a free-for-all there. My friend, who went to one of the private girls' schools, said she woke up with a guy on top of her. And this was not a situation where people would talk about it. They would just say: "Oh, well, how'd you do? How was your weekend?" "Oh, well, I got attacked." And that was just normal then. It was an attitude where "No" didn't necessarily mean "I'm going to stop." It meant "I'm going to keep going," and "I'm going to keep going because I'm privileged and I'm allowed to and I'm not going to get in trouble for it."

But every weekend there was some sort of party base during the school year where there was drugs, alcohol—which was typical, but we're talking about 14-, 15-, 16-, 17-year-old kids.



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How would you hear about parties or meet kids from the other private schools?

Most it was based on the football schedule. Like, as a football team, we played all the other prep schools. That's where all the parties started, and that's where all the parties went. I don't think it was something that we invented. I think that it was a culture that had been there for a long time, and then it just progressively got more abusive, and more and more and more and more abusive.

How often did these Beach Week parties happen?

They were considered a rite of passage. An end-of-the-year blowout. Partying at the beach was typically way more crazy than what happened during the school year. Inhibitions were thrown out the window. Fighting was a lot less common, but there was more sex involved and even more liberties taken because the parents were so far away. At least, that's what I concluded from my experiences at Beach Week every year.

It was a game of who could party the most, who could drink the most, who could get the most girls, who could get away with the most crazy shit. A lot of these kids at these prep schools had family homes at the beach. And if not, they rented homes for the week.

Do you think people would have even remembered something like what Blasey described? Like, would it have registered?

Every weekend there was this whole idea of, "Hey, where are you going this weekend?" "Well, so-and-so's having a party or someone's having a party at their house." Usually because their parents were gone — that would happen all the time. Then everybody would go over there, the entire class. Or at least, anybody who was cool or anybody who could party would go. Anybody who could get a ride, or anybody who had a car. And then all the girls' schools in the area. If you talked to any of the girls there, they would all say, "Oh, yeah, of course there was a culture where assaults like that happen."

But was it something people ever talked about at the time?

It was just a weird culture of how there was no telling — you know, don't tell, don't tell. But then you're getting all these 14-, 15-, 16-year-olds, 17-year-old kids doing whatever the fuck they wanted to do, with no repercussions. Drugs everywhere. Partying everywhere. Drinking — just whatever we wanted to do. It was unbelievable, off the rails. And that's just how it was. Most of the kids I went to school with were either privileged or from foreign governments or whatever. They could get away with anything.

One last question: Blasey said her assault happened at a smaller party — four boys in total. Were smaller parties like that common, in addition to these big ragers?

It was more common to have at least 50 people there at a party. But these smaller parties — usually what happened was that it was a Beach Week party, where the kids went to the beach. Somebody had a house, and whoever was there and whoever heard about the party went to the party. So there may have been as few as five people. There may have been as many as a hundred. It just depends. But that was not uncommon. As soon as I read the description, I was like, "Oh, yeah, that's your typical prep school party, where it's just a bunch of kids just going off the rails." That's the best way to describe it.

CORRECTION: This article previously mischaracterized the involvement of individuals in a drug purchase. References to those individuals and the incident have been removed. We regret the error. Additionally, certain references by the former student to specific individuals have been removed to better reflect the intended purpose of the article: to provide a former student's general characterizations of the party culture.

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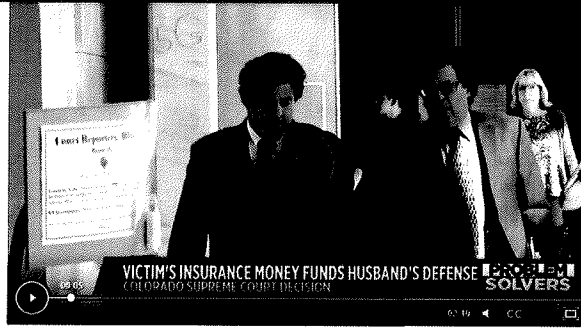
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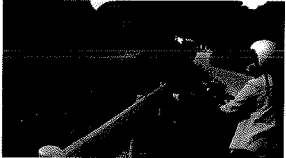
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